

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ZINO DAVIDOFF SA,

Plaintiff,

v.

CVS CORPORATION,

Defendant.

06 Civ. 15332 (KMK)

**DECLARATION OF KEVIN PEVERILL**

I, Kevin Peverill, hereby declare as follows:

1. I am a private investigator employed as the Managing Director of Grants International Information & Security Services Ltd, 1 Minton Place, Victoria Road, Bicester, Oxon OX26 6QB, The United Kingdom. My work as a private investigator includes purchasing products that are suspected of infringing legitimate manufacturers' trademarks, trade dress and copyrights.

2. I participated in the inspection of DAVIDOFF COOL WATER Products at the following CVS Corporation warehouse locations on the following dates:

- a. Indianapolis, Indiana, January 5, 2007;
- b. Knoxville/Loudon, Tennessee, January 8, 2007;
- c. Conroe, Texas, January 15, 2007;
- d. Ennis, Texas, January 16, 2007; and
- e. La Habra, California, January 17, 2007.

3. I have been trained to authenticate DAVIDOFF COOL WATER Products and am familiar with the characteristics that differentiate genuine products authorized for sale in the

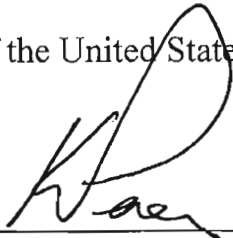
4. The document attached hereto as Exhibit A, entitled SUMMARY OF INVENTORY REVIEW, accurately summarizes the results of my inspection of products at the above locations.

5. I am attaching hereto as Exhibit B true and correct copies of photographs I took of the packaging of decoded gray market products found at CVS Corporation's warehouses, which show examples of how the unique production codes were removed from the DAVIDOFF COOL WATER Products and the damage to the packaging this causes.

6. I found a total of 16 counterfeit units and 10,254 decoded gray market units, as described more fully in the SUMMARY OF INVENTORY REVIEW.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date: February 2, 2007

  
\_\_\_\_\_  
Kevin Douglas Peverill

# **Exhibit A**

**ZINO DAVIDOFF SA V. CVS CORPORATION**

**SUMMARY**

**TOTAL NUMBER OF COUNTERFEIT UNITS AT ALL  
LOCATIONS: 402**

**TOTAL NUMBER OF DECODED GRAY MARKET UNITS AT  
ALL LOCATIONS: 14,325**

**ZINO DAVIDOFF SA V. CVS CORPORATION  
SUMMARY OF INVENTORY REVIEW**

CVS Facility: Orlando  
8201 Chancellor Drive  
Orlando, FL 02895

Name of Inspector: Donald R. Andersen  
Date: 5th January 2007

**TOTAL NUMBER OF UNITS INSPECTED:**

**4,004**

DESCRIPTION OF PRODUCT	TOTAL NO. OF COUNTERFEIT UNITS	BOX NOS.	TOTAL NO. OF DECODED GRAY MARKET UNITS	BOX NOS.	WAS PRODUCT SEGREGATED?
Cool Water Man 1.35oz EDT			210		Yes
Cool Water Woman 1.7oz EDT			284		Yes
Cool Water Man 2.5oz EDT	11		1,389		Yes
<b>TOTAL:</b>	<b>11</b>		<b>1883</b>		

**ZINO DAVIDOFF SA V. CVS CORPORATION  
SUMMARY OF INVENTORY REVIEW**

CVS Facility: Vero Beach  
CVS DC  
2572 98th Avenue  
Vero Beach, FL 32966

Name of Inspector: Donald R. Andersen  
Date: 5th January 2007

**TOTAL NUMBER OF UNITS INSPECTED:**

**1539**

DESCRIPTION OF PRODUCT	TOTAL NO. OF COUNTERFEIT UNITS	BOX NOS.	TOTAL NO. OF DECODED GRAY MARKET UNITS	BOX NOS.	WAS PRODUCT SEGREGATED?
Cool Water Man 1.35oz EDT			147		Yes
Cool Water Woman 1.7oz EDT			62		Yes
Cool Water Man EDT 2.5oz EDT			711		Yes
<b>TOTAL:</b>			<b>920</b>		

**ZINO DAVIDOFF SA V. CVS CORPORATION**  
**SUMMARY OF INVENTORY REVIEW**

CVS Facility: Indianapolis  
 Address: 7590 Empire Drive  
 Indianapolis, IN 46219

Name of Inspector: Kevin Peverill  
 Date: 5<sup>th</sup> January 2007

**TOTAL NUMBER OF UNITS INSPECTED: 5,783**

DESCRIPTION OF PRODUCT	TOTAL NO. OF COUNTERFEIT UNITS	BOX NOS.	TOTAL NO. OF DECODED GRAY MARKET UNITS	BOX NOS.	WAS PRODUCT SEGREGATED?
Cool Water Man EDT 40ml			240	IN86, IN87, IN95-IN100	Yes
Cool Water Woman EDT 50ml			1,752	IN1-IN74, IN89-IN94	Yes
Cool Water Man EDT 75ml			3,008	IN101, IN116-IN205	Yes
<b>TOTAL:</b>			<b><u>5000</u></b>		



**ZINO DAVIDOFF SA V. CVS CORPORATION**  
**SUMMARY OF INVENTORY REVIEW**

CVS Facility: Knoxville  
 Address: 3400 Huntington Park  
 Loudon, TN 37774

Name of Inspector: Kevin Peverill  
 Date: 8<sup>th</sup> January 2007

**TOTAL NUMBER OF UNITS INSPECTED: 3,799**

DESCRIPTION OF PRODUCT	TOTAL NO. OF COUNTERFEIT UNITS	BOX NOS.	TOTAL NO. OF DECODED GRAY MARKET UNITS	BOX NOS.	WAS PRODUCT SEGREGATED?
Cool Water Man EDT 40ml			391	KN53-KN60	Yes
Cool Water Woman EDT 50ml			614	KN28-KN52	Yes
Cool Water Man EDT 75ml			1,723	KN61-KN120	Yes
<b>TOTAL:</b>			<b>2728</b>		



**ZINO DAVIDOFF SA V. CVS CORPORATION**  
**SUMMARY OF INVENTORY REVIEW**

CVS Facility: Conroe  
 Address: 100 South Tade Center Parkway  
 Conroe, TX 77385

Name of Inspector: Kevin Peverill  
 Date: 15<sup>th</sup> January 2007

**TOTAL NUMBER OF UNITS INSPECTED:**      **1,536**

DESCRIPTION OF PRODUCT	TOTAL NO. OF COUNTERFEIT UNITS	BOX NOS	TOTAL NO. OF DECODED GRAY MARKET UNITS	BOX NOS	WAS PRODUCT SEGREGATED?
Cool Water Man EDT 40ml			65	CN3, CN52	Yes
Cool Water Man EDT 75ml			337	CN6-CN13	Yes
<b>TOTAL:</b>			<b><u>402</u></b>		

**ZINO DAVIDOFF SA V. CVS CORPORATION  
SUMMARY OF INVENTORY REVIEW**

CVS Facility: Ennis  
Address: 700 CVS Drive  
Ennis, TX 75119

Name of Inspector: Kevin Peverill  
Date: 16<sup>th</sup> January 2007

**TOTAL NUMBER OF UNITS INSPECTED:**

**1965**

DESCRIPTION OF PRODUCT	TOTAL NO. OF COUNTERFEIT UNITS	BOX NOS.	TOTAL NO. OF DECODED GRAY MARKET UNITS	BOX NOS.	WAS PRODUCT SEGREGATED?
Cool Water Man EDT 40ml			259	EN8-EN10, EN18-EN20	Yes
Cool Water Woman EDT 50ml			164	EN11-EN14, EN15-EN17	Yes
Cool Water Man EDT 75ml	16	EN42	447	EN1, EN24, EN25, EN30, EN31, EN33, EN34, EN40, EN41	Yes
<b>TOTAL:</b>	<b>16</b>		<b>870</b>		

**ZINO DAVIDOFF SA V. CVS CORPORATION  
SUMMARY OF INVENTORY REVIEW**

CVS Facility: La Habra  
Address: 777 South Harbor Boulevard  
La Habra, CA 90631

Name of Inspector: Kevin Peverill  
Date: 17<sup>th</sup> January 2006

**TOTAL NUMBER OF UNITS INSPECTED: 2,711**

DESCRIPTION OF PRODUCT	TOTAL NO. OF COUNTERFEIT UNITS	BOX NOS.	TOTAL NO. OF DECODED GRAY MARKET UNITS	BOX NOS	WAS PRODUCT SEGREGATED?
Cool Water Man EDT 40ml			245	LH7, LH8, LH10, LH11, LH16	Yes
Cool Water Woman EDT 50ml			162	LH1-LH6, LH61	Yes
Cool Water Man EDT 75ml			847	LH26-LH33, LH35-LH37, LH39-LH41, LH58-LH60	Yes
<b>TOTAL:</b>			<b>1254</b>		

**ZINO DAVIDOFF SA V. CVS CORPORATION  
SUMMARY OF INVENTORY REVIEW**

CVS Facility: Woonsocket, RI  
Address: 400 Founders Dr Woonsocket, RI 02895

Name of Inspector: Donald Andersen  
Date: January 17<sup>th</sup>, 2007

**TOTAL NUMBER OF UNITS INSPECTED: 1,906**

DESCRIPTION OF PRODUCT	TOTAL NO. OF COUNTERFEIT UNITS	BOX NOS.	TOTAL NO. OF DECODED GRAY MARKET UNITS	BOX NOS	WAS PRODUCT SEGREGATED?
Cool Water Man EDT 1.35oz			75	45,46	Yes
Cool Water Woman EDT 1.7oz			162	47-54	Yes
Cool Water Man EDT 2.5oz	364	26-36	187	2,3,4,7,9,10,1 2,13,14,15,17 ,55,56	Yes
<b>TOTAL:</b>	<b>364</b>		<b>424</b>		



**ZINO DAVIDOFF SA V. CVS CORPORATION  
SUMMARY OF INVENTORY REVIEW**

CVS Facility: Lumberton, NJ

Address: 1 Berry Dr Lumberton, NJ 08048

Name of Inspector: Donald Andersen

Date: January 18<sup>th</sup>, 2007

**TOTAL NUMBER OF UNITS INSPECTED: 1332**

DESCRIPTION OF PRODUCT	TOTAL NO. OF COUNTERFEIT UNITS	BOX NOS.	TOTAL NO. OF DECODED GRAY MARKET UNITS	BOX NOS	WAS PRODUCT SEGREGATED?
Cool Water Woman EDT 1.7oz			201	39-45	Yes
Cool Water Man EDT 1.35oz			48	23	Yes
Cool Water Man EDT 2.5oz	11	4	595	4,16,17,18,2 4-36	Yes
<b>TOTAL:</b>	<b>11</b>		<b>844</b>		

## **Exhibit B**





UNIVERSITY MICROFILMS  
SERIALS ACQUISITION  
300 N ZEEB RD  
ANN ARBOR MI 48106-1500



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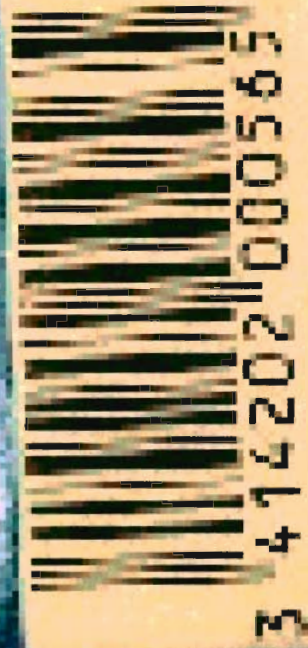












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